

U.S. District Court
FLS - Southern District of Florida Miami

CRIMINAL DOCKET FOR CASE #: 06-M -3050

USA v. Deoliveira
Assigned to: Robert L. Dube

Filed: 09/22/06

Dkt # in other court: None

WALDIR FRANCISCO DEOLIVEIRA
(1) , DOB: 11/02/55, Prisoner
No. 09945-081 English language
defendant

Public Defender
FTS 536-4559
305-530-7000
[COR LD NTC pda]
Federal Public Defender's
Office
150 W Flagler Street
Miami, FL 33130-1556
305-530-7000

04cr10016NG

Pending Counts:

NONE

Terminated Counts:

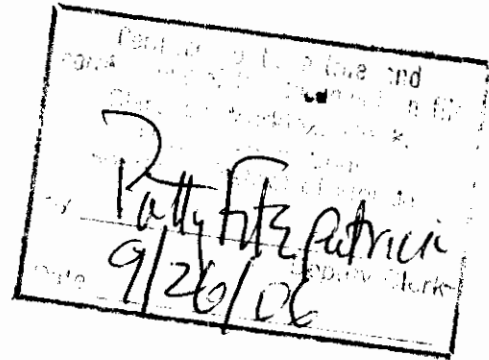
NONE

Complaints:

NONE

U. S. Attorneys:

NONE



09/21/06	1	REPORT Commencing Criminal Action as to Waldir Francisco Deoliveira DOB: 11/02/55 Prisoner # 09945-081 (pf) [Entry date 09/25/06]
09/22/06	2	as to Waldir Francisco Deoliveira Copy of warrant from the District of Massachusetts (pf) [Entry date 09/25/06]
09/22/06	3	ORDER on Initial Appearance as to Waldir Francisco Deoliveira Bond set to NO Bond for Waldir Francisco Deoliveira., for Appointment of Public Defender, , (Signed by Magistrate Ted E. Bandstra on 9/22/06) Tape # 06H75-432 CCAP (pf) [Entry date 09/25/06]
09/22/06	4	WAIVER of Rule 40 Hearings by Waldir Francisco Deoliveira (pf) [Entry date 09/25/06]
09/22/06	5	ORDER as to Waldir Francisco Deoliveira Warrant of Removal (Signed by Magistrate Judge Robert L. Dube on 9/22/06) [EOD Date: 9/25/06] Tape # 06H75-432 CCAP (pf) [Entry date 09/25/06]
09/25/06	6	DEFENDANT'S INVOCATION OF RIGHT TO SILENCE AND COUNSEL by Waldir Francisco Deoliveira (pf) [Entry date 09/25/06]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 06-3050-RLD

UNITED STATES OF AMERICA

Plaintiff,

v.

WALDIR FRANCISCO DEOLIVEIRA,

Defendant.

**DEFENDANT'S INVOCATION OF
RIGHTS TO SILENCE AND COUNSEL**

The Defendant named above does hereby invoke his rights to remain silent and to counsel with respect to any and all questioning or interrogation, regardless of the subject matter, including, but not limited to: matters that may bear on or relate to arrest, searches and seizures, bail, pretrial release or detention, evidence at trial, guilt or innocence, forfeitures; or that may be relevant to sentencing, enhanced punishments, factors applicable under the United States Sentencing Guidelines, restitution, immigration status or consequences resulting from arrest or conviction; appeals or other post-trial proceedings.

**NIGHT BOX
FILED**

SEP 22 2006

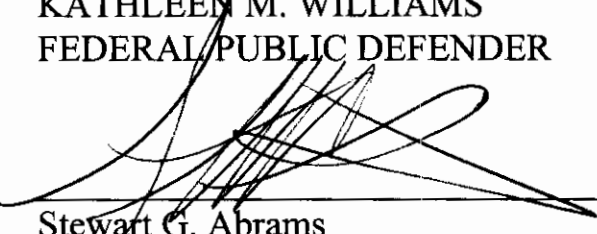
CLARENCE MADDOX
CLERK, USDC / SDFL / MIA

6
PS

The Defendant requests that the United States Attorney ensure that this invocation of rights is honored, by forwarding a copy of it to all law enforcement agents, government officials, or employees associated with the investigation of any matters relating to the defendant. Any contact with the Defendant must be made through the defendant's lawyer, undersigned counsel.

KATHLEEN M. WILLIAMS
FEDERAL PUBLIC DEFENDER

By:



Stewart G. Abrams
Assistant Federal Public Defender
Florida Bar No. 0371076
150 West Flagler Street, Suite 1500
Miami, Florida 33130-1556
Tel: 305-536-6900/Fax: 305-530-7120
E-mail: stewart_abrams@fd.org

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing instrument was mailed this 25th day of September, 2006, to the United States Attorney's Office, 99 N.E. 4th Street, Miami, Florida 33132.



Stewart G. Abrams

FAX BACK SERVICE LIST

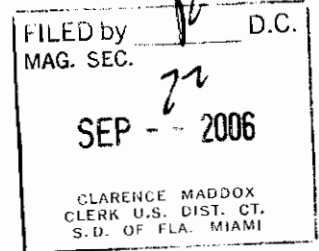
Stewart G. Abrams,
Assistant Federal Public Defender
150 West Flagler Street, Suite 1500
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Tel: (305) 536-6900
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E-mail: stewart_abrams@fd.org
Counsel for Defendant

United States Attorney's Office
99 N.E. 4th Street
Miami, Florida 33132
Tel: (305) 961-9000
Fax: (305) 530-7976
Counsel for the Government

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

06-3050 DUBE



UNITED STATES OF AMERICA,

v.

WARRANT OF REMOVAL

WALDIR De Oliveira

A(n) _____ Complaint
_____ Indictment
_____ Information
X _____ Probation Violation Warrant
_____ Bench Warrant

having been filed in the District of Massachusetts charging
the above named defendant with Violation of Supervised Release
and the defendant having

_____ surrendered
X _____ been arrested

in the Southern District of Florida, having had an initial appearance before the Court and having:

X _____ waived further hearing
_____ been given a hearing in accordance
with Fed.R.Crim.P. 40.

having not posted the bail as set by the Court, the defendant is hereby committed to the custody of the United States Marshal for removal to the District where the charge is pending and delivery to the United States Marshal for that District or his lawfully authorized representative.

DONE AND ORDERED at Miami, Florida this 22 day of SEPTEMBER, 2006.
TAPE NO.06H-75-432

Robert L. Dube

ROBERT L. DUBE'
UNITED STATES MAGISTRATE JUDGE

c: AUSA
Defense
Pretrial Services
U.S. Marshal (2 certified copies)

5/10

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.

06-3058 DUBE

FILED by	D	D.C.
MAG. SEC.	22	
SEP -- 2006		
CLARENCE MADDOX CLERK U.S. DIST. CT. S.D. OF FLA. MIAMI		

UNITED STATES OF AMERICA,

vs.

WAIVER OF REMOVAL HEARING

Waldir Francisco de Oliveira

I, Waldir de Oliveira charged in a proceeding pending in the
_____ District of MASSachusetts and
having been arrested in the Southern District of Florida and taken
before _____ Robert Dube, a United States
Magistrate Judge for that district, who informed me of the charge
and of my right to retain counsel or request the assignment of
counsel if I am unable to retain counsel, and to have a hearing or
execute a waiver thereof, do hereby waive a hearing before the
aforementioned magistrate and consent to the issuance of a
warrant/~~order~~ for my removal to the _____ District of
MASSachusetts, where the aforesaid charge is pending
against me.

DONE and ORDERED at Miami, Florida this 22 day of

September 2006.

Witness.

Robert L. Dube
ROBERT L. DUBE

UNITED STATES MAGISTRATE JUDGE

Waldir de Oliveira
Signature of Defendant

Waldir de Oliveira

This bond shall contain the standard conditions of bond printed in the bond form of this Court and, in addition, the defendant must comply with the special conditions checked below:

WALDIR FRANCISCO DEOLIVEIRA

- ____ a. Surrender all passports and travel document to the Pretrial Services Office.
- ____ b. Report to Pretrial Services as follows: ____ time(s) a week in person; ____ time(s) a week by phone ;
____ as directed; other _____
- ____ c. Submit to random urine testing and/or treatment by Pretrial Services for the use of non-physician-prescribed substances prohibited by law.
- ____ d. Maintain or actively seek full time gainful employment.
- ____ e. Maintain or begin an educational program.
- ____ f. Avoid all contact with victims of or witnesses to the crimes charged.
- ____ g. Refrain from possessing a firearm, destructive device or other dangerous weapon.
- ____ h. Comply with the following curfew: _____
- ____ i. Avoid all commercial transportation facilities; no airports, no marinas, no bus terminals.
- ____ j. Comply with the following additional special conditions of this bond: _____

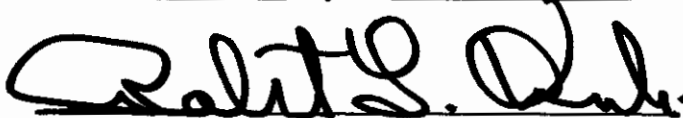
This bond was set: At Arrest _____
On Warrant _____
After Hearing _____

If bond is changed from that set in another District, the reason pursuant to Rule 40(f) is _____

____ If this space is checked, an evidentiary hearing pursuant to United States v. Nebbia, 357, F.2d 303 (2 Cir. 1966) shall be held prior to the posting of the bond. Such hearing shall be scheduled promptly upon notification to the court that the defendant is ready to post bond.

7. The defendant has been advised by the court that if he or she is released on bond pursuant to the conditions set forth herein or those later ordered by the court, the defendant is subject to arrest and revocation of release and to various civil and criminal sanctions for any violation of those conditions. These various sanctions and penalties are set forth more fully in the Appearance Bond itself.
8. The defendant is committed to the custody of the United States Marshal until an appearance bond has been executed in accordance with this or subsequent court order.

DONE AND ORDERED at Miami, Florida this 22nd day of SEPTEMBER, 2006.

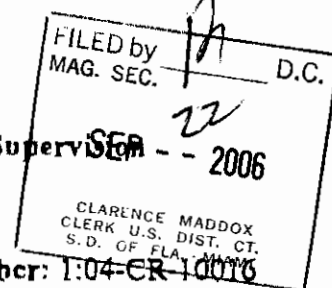


ROBERT L. DUBE'
UNITED STATES MAGISTRATE JUDGE

c: Assistant U.S. Attorney
Defense Counsel
Pretrial Services/Probation

Printed
10/12/2006

**United States District Court
for the District of Massachusetts**
Petition and Affidavit for Warrant or Summons for Offender Under Supervision



Name of Offender: Waldir DeOliveira

Case Number: 1:04-CR-10016

Name of Sentencing Judicial Officer: The Honorable Nancy Gertner, United States District Judge

Date of Original Sentence: 2/17/05

Date of Sentence on Violation: 11/21/05

Original Offense: Mail Fraud, in violation of 18 U.S.C. § 1341; and False Personation of a United States Officer or Employee, in violation of 18 U.S.C. § 912

Violation Offense: Terminated from the Directions of Recovery Residential Drug Treatment Program

Original Sentence: 21 months, followed by 3 years supervised release

Sentence on Violation: Time Served followed by 30 months supervised release

Type of Supervision: Supervised Release

Date Original Supervision Commenced: 8/25/05

Date Supervision Commenced: 11/21/05

Asst. U.S. Attorney: Seth Berman

Defense Attorney: Stephen J. Weymouth

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1. **Violation of Standard Condition No. 6: The defendant shall notify the probation officer at least 10 days prior to any change in residence or employment.**

On 6/20/06 Mr. DeOliveira's wife, Maria Mendes DeOliveira, reported that Mr. DeOliveira left the home on 6/12/06 and had not returned. She also reported that Mr. DeOliveira had made no attempt to contact her since 6/12/06.

On 6/21/06 the U.S. Probation Office received a hand written letter from Mr. DeOliveira dated 6/13/06 indicating that he was in "New York City" and that he was planning on being there for "a good while." He provided no other information as to his whereabouts and he was not authorized by probation to travel outside of the state of Massachusetts. It is also noted that Mr. DeOliveira indicated in his letter that he will "not" be paying his restitution.

2/10/06

Prob 11C

- 2 -

**Petition and Affidavit for Warrant or Summons
for Offender Under Supervision**

U.S. Probation Officer Recommendation:

The term of supervision should be:

- ☒ Revoked
☐ Extended for year(s), for a total term of years.

☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Reviewed/Approved by:

Respectfully submitted,

By

Julius H. Brito
Supervising U.S. Probation Officer

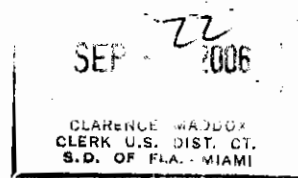
Lisa M. Paiva
U.S. Probation Officer
Date: 6/21/06

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other

Signature of Judicial Officer

Date



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

06-3050-DUBE

UNITED STATES OF AMERICA
Plaintiff

-vs-

CASE NUMBER: CR: 04-CR-10016-NG

REPORT COMMENCING CRIMINAL
ACTION

De Oliveira, Wladimir

Defendant

09945-081

USMS NUMBER

TO: CLERK'S OFFICE
U.S. DISTRICT COURT

MIAMI

FT. LAUDERDALE
(CIRCLE ONE)

W. PALM BEACH

NOTE: CIRCLE APPROPRIATE LOCATION FOR APPEARANCE IN MAGISTRATES COURT ABOVE.

COMPLETE ALL ITEMS. INFORMATION NOT APPLICABLE ENTER N/A.

(1) DATE AND TIME OF ARREST: 9/20/06 AM PM

(2) LANGUAGE SPOKEN: ENG

(3) OFFENSE (S) CHARGED: Probation Charge

(4) DATE OF BIRTH: 11/02/55

(5) TYPE OF CHARGING DOCUMENT: (CHECK ONE)

- ☐ INDICTMENT ☐ COMPLAINT TO BE FILED/ALREADY FILED
☐ BENCH WARRANT FOR FAILURE TO APPEAR
☐ PROBATION VIOLATION WARRANT
☐ PAROLE VIOLATION WARRANT

ORIGINATING DISTRICT: Massachusetts

(6) REMARKS:

(7) DATE: 9/20/06 (8) ARRESTING OFFICER: A. Alvarado

(9) AGENCY: USMS (10) PHONE: 305-536-5677

(11) COMMENTS:

SAO 442 (Rev. 5/93) Warrant for Arrest

UNITED STATES DISTRICT COURT

District of

MASSACHUSETTS

UNITED STATES OF AMERICA

WARRANT FOR ARREST

V.

WALDIR FRANCISCO DEOLIVEIRA

Case Number: 04-CR-10016-NG

To: The United States Marshal
and any Authorized United States OfficerYOU ARE HEREBY COMMANDED to arrest WALDIR FRANCISCO DEOLIVEIRA

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment ☐ Information ☐ Complain ☐ Order of court ☒ Violation☐ Probation Violation

charging him or her (brief description of offense)

Violation of Conditions of Supervised Release

in violation of 18 United States Code, Section(s) 3606

Patti B. Saris, U.S.D.J. by Robert C. Alba

Deputy Clerk

Name of Issuing Officer

Title of Issuing Officer

Signature of Issuing Officer

June 22, 2006, at Boston, Massachusetts

Date and Location

Bail fixed at \$ _____ by _____

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST